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**Annual report of the United Nations High Commissioner**

**for Human Rights and reports of the Office of the**

**High Commissioner and the Secretary-General**

 **Situation of human rights in Honduras**

 **Report of the United Nations High Commissioner for Human Rights\* \*\***

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| *Summary*In the present report, the United Nations High Commissioner for Human Rights describes the human rights situation and the activities of his office in Honduras from 1 January to 31 December 2022. The report highlights the main progress and challenges in the promotion and protection of human rights, and concludes with recommendations to the State. [[1]](#footnote-2)\* [[2]](#footnote-3)\*\* |
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 I. Introduction

1. This report is presented in accordance with Article V (4) of the agreement signed between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Honduras on 4 May 2015. The report and its analyses are based on information collected by OHCHR in the country, as well as information provided by state authorities, civil society and victims.

2. OHCHR continued to observe the human rights situation in Honduras and provide technical assistance towards the promotion and protection of human rights. The thematic priorities of the Office included strengthening the rule of law, particularly access to justice, promoting civic space and public participation, promoting economic, social, and cultural rights and measures to progressively achieve their full effectiveness, promoting equality and non‑discrimination of persons in situation of vulnerability, as well as prevention and early warning of social conflicts and human rights violations.

3. OHCHR conducted 95 field missions to verify the human rights situation, including visits to detention centres. It implemented 80 technical assistance and institutional strengthening processes for state institutions, organized and supported 69 workshops and training sessions on human rights. Additionally, it monitored 47 judicial processes, including in emblematic human rights cases. OHCHR provided technical support to more than 400 civil society organizations and launched 13 communication campaigns to promote human rights.

 II. Context

4. The arrival of a new government on 2 January 2022, led by the country's first female president, with political will in the area of human rights and the fight against corruption, sets a new stage for human rights work in Honduras. The administration assumed its functions in a context of pre-existing structural challenges underlying human rights violations: poverty and inequality, land conflicts, violence, insecurity, impunity, institutional weakness and patriarchal culture, among others. Such challenges require short, medium and long-term measures to be resolved.

5. OHCHR recognizes progress made by the State in 2022, including in accordance with recommendations made by the Office. These include the adoption of a legal framework to strengthen the independence of the Judiciary, the beginning of the progressive demilitarization of the penitentiary administration, the repeal of the Law for the Classification of Public Documents Related to National Security and Defence ("Secrecy Law"), the repeal of all regulations related to the Employment and Economic Development Zones, and advances in environmental matters.

6. The enjoyment of economic and social rights remains impacted by pre-existing high levels of poverty and inequality. The prevalence of conflict related to access to land and natural resources had a significant negative impact on the effective guarantee of human rights, particularly for indigenous peoples, Afro-Hondurans, and peasants.

7. In the area of Bajo Aguán, the Government signed an agreement with the peasant movement aimed at finding durable solutions to the structural causes of the agrarian conflict in the zone.

8. The homicide rate was 35.83 per 100,000 inhabitants[[3]](#footnote-4), the lowest rate in the last 10 years. While this represents a decrease compared to 2021, violence and insecurity continued to affect the country, having an aggravated impact on women and lesbian, gay, bisexual, transgender and intersex persons.

9. OHCHR provided technical assistance for the drafting and implementation of the Special Law on the Organization and Functioning of the Nominating Board for the Proposal of Candidates to the Supreme Court of Justice (Decree 74-2022) adopted by the National Congress in July. This legal framework establishes objective selection criteria based on international standards on judicial independence, transparency, oversight, and public participation, as well as greater gender equity in the composition of this High Court.

10. On 24 November, President Castro declared a National Security Emergency to combat extortion by organized crime groups. On 6 December, a State of Emergency (Decree 29‑2022) went into effect in the 162 neighbourhoods of Tegucigalpa and San Pedro Sula with the highest crime rates. The main measures adopted were the suspension of the rights of personal liberty, freedom of association, assembly and movement. This Decree also granted powers to the police to carry out arrests and searches without a warrant. OHCHR reiterates the need to adopt a comprehensive security policy, with emphasis on prevention and investigation, that addresses the root causes of violence[[4]](#footnote-5). The Office welcomes the establishment of a high-level inter-institutional roundtable to monitor the implementation of the State of Emergency.

III. Development and Economic, Social, Cultural and Environmental rights

11. In April, the National Congress repealed Legislative Decree 263-2012 that provided for the creation and configuration of the ZEDEs (Employment and Economic Development Zones), as well as all associated regulations[[5]](#footnote-6). The Government announced that all ZEDEs remaining in operation must be registered in one of the existing special legal regimes. OHCHR welcomes this repeal, which reflects recommendations made by the Office and human rights mechanisms, and urges that the measures for its implementation be carried out with the effective participation of the communities in the impacted territories and for the guarantee of that the right to free, prior and informed consultation of indigenous and Afro‑Honduran peoples.

 A. Access to economic, social, cultural and environmental rights

12. The enjoyment of these rights remains impacted by the high levels of pre-existing poverty and inequality, and by the socioeconomic effects of the COVID-19 pandemic and climate change, such as the tropical storms that affected the country. According to information published in July 2022, 73.6% of the population lived in poverty and 53.7% in extreme poverty[[6]](#footnote-7). In February, the National Congress declared a state of fiscal and financial emergency in the public sector to address the public debt of more than 197 billion lempiras contracted by previous Governments[[7]](#footnote-8). The Government established the Secretariat of State in the Office of Social Development to promote development and social protection, and the Solidarity Action Program for persons in situation of vulnerability.

13. Affected by global trends, high year-to-year inflation also impacted the purchasing power and consumption of Honduran households. The Office welcomes the budget modification that increased budget allocations in the education and health sectors through Decree 30‑2022. In June, the Government declared a state of health emergency to address the shortage of medicine in the health system.

14. The country's vulnerability to climate change impacted the guarantee, among others, of the right to food and increased humanitarian needs. The floods in September led the Government to declare a 90-day state of national emergency. Storm Julia in October impacted more than 144,000 persons and caused damages in 15 of the 18 departments[[8]](#footnote-9). These adverse weather events, in addition to a humanitarian response such as the state of food emergency proclaimed in April, also require medium and long-term measures to mitigate the effects of climate change, facilitate the adaptation and promote the resilience of the most affected population.

15. Challenges persist in guaranteeing the right to food and health for the indigenous community of San Francisco de Locomapa, despite the fact that the Constitutional Chamber upheld in July the amparo ruling of the Administrative Court of San Pedro Sula, which established the obligation of the municipal corporation to install and equip health centres in the communities and implement a plan to ensure their right to food. The Office urges the Yoro Municipality to move forward as soon as possible with the effective implementation of the sentence.

16. The labour discrimination of domestic workers, in both law and in practice, is of concern due to the absence of an adequate legal framework for integral protection of their labour rights.

 B. Access to Land and Natural Resources

17. Social and environmental conflicts related to land and territory, alongside agrarian conflicts, have a strong negative impact on human rights and security, destabilize the country, and contribute directly to violence, displacement and migration. Inequitable access to land, territory and natural resources is one of the main causes of inequality and poverty. It is rooted in various factors, such as insecure land tenure and limited institutional capacity to resolve property rights and the overlap of private and ancestral land titles. This is further compounded by the existence of an economic development model based on extractive industries that has expanded over the last 12 years.

18. The Office documented that, over the last decade, this development model was enabled by expedited environmental licensing processes without the required consultation and free, prior and informed consent of indigenous and Afro-Honduran peoples, in some cases also without the effective evaluation and monitoring of its environmental impact. This has resulted in a high level of socio-environmental conflict with aggravated impact on indigenous and Afro‑Honduran peoples.

19. OHCHR appreciates the prominence that environmental protection has had in Government policies, the commencement of a process of revision, suspension and cancellation of environmental licenses, permits and concessions, and the non-granting of permits in 2022 for extractive exploitation that threaten natural resources. The Office welcomes the openness of the Secretariat of Natural Resources and the Environment to review the regulatory and administrative framework for environmental licensing with technical assistance by OHCHR. Such efforts must be accompanied by policies to reduce the adverse impacts of development projects on the environment, communities and territories of indigenous and Afro-Honduran peoples.

20. In the Garifuna community of San Juan, Tela, the Office documented a dispute between community members asserting their ancestral territorial rights and third parties claiming property rights over the same territories, resulting from the failure of the State to recognize the integrity of said ancestral territory and the authorization by the Municipality for the sale of plots of land within this territory. The situation worsened in July when construction work began in the disputed territories, which also resulted in environmental damage to a lagoon within the protected area. The Office appreciates that the Government established a special commission to address the causes of this conflict and urges for the prompt implementation of the agreement signed between the authorities and community members represented by the Fraternal Black Organization of Honduras.

21. The Office documented evictions as one of the main violations suffered by peasant, indigenous and Afro-Honduran peoples. The implementation of Decree 93-2021, which allows for preventive and immediate evictions without judicial control, aggravated land and territory conflicts. The State Attorney’s Directive issued in March that recognized the mandatory nature of judicial control and recommended avoiding preventive evictions represents an important development. OHCHR reiterates its concerns regarding the Decree and urges its prompt repeal[[9]](#footnote-10).

22. The Office condemns the criminalization of six members of the Garifuna community of Punta Gorda that were charged with aggravated usurpation during a forced eviction in November, implemented in the context of the community demanding recognition of their ancestral rights. The Office welcomes the decision of the Roatán court to fully dismiss the case, recognizing the special relationship of the Garífuna people with their land and territory. OHCHR also followed up on the case of the Lenca community of Tierras del Padre, where a new eviction order was issued on 23 November, and later suspended. This order is in addition to the three eviction orders issued in previous years against this community.

23. The Office stresses the need for the State to adopt measures to implement the guarantees of non-repetition that the Inter-American Court of Human Rights established in its sentences regarding the Afro-Honduran communities of Triunfo de la Cruz and Punta Piedra, particularly the right to communal property and ownership rights of the communities, including through the delimitation, demarcation and titling of their lands in accordance with customary law and their values, uses and customs[[10]](#footnote-11). The adoption and implementation of these measures must be carried out with the effective participation of the affected communities and the organizations that represent them.

24. With regards to agrarian conflicts, OHCHR welcomes the signing of the agreements between the Government and peasant groups in Bajo Aguán on 22 February. These agreements represent an important first step towards addressing the historic conflict and they have already resulted in a decrease in forced evictions in the area. The implementation of the Tripartite Commission, key to ensuring a human rights approach in addressing the conflict, including for the investigation and prosecution of human rights violations and the adoption of reparation and non-repetition measures, remains pending.

25. OHCHR acknowledges the establishment, by the Secretariat for Human Rights with technical support by the Office, of the Inter‑Institutional Round Table to address social conflicts, including conflicts related to land and territory, with a human rights-based approach. Such efforts should be complemented by policies to reduce the adverse impact of development projects on the environment, communities and the territories of indigenous and Afro-Honduran peoples.

 26. Regarding the environmental and human rights impact of extractive projects, the Office followed up on the Guapinol, Azacualpa and Locomapa cases, among others, which highlight the importance of the obligation of private companies to respect human rights and to prevent their activities from causing or contributing to negative consequences on the communities where they operate.

27. The Office documented the environmental and social impacts of the mining project in the Carlos Escaleras National Park, authorized in 2014 following the reduction of the core zone of the park. The project has impacted the right to a healthy environment of surrounding communities, including their access to drinking water. Inspections conducted by the Secretariate of Natural Resources and the Environment concluded that the project does not comply with environmental control measures. In addition, in 2021 the Honduran Institute of Geology and Mines (INHGEOMIN) concluded that one of the mining operations was carried out outside of the authorized area and ordered a halt of said operations.

28. OHCHR documented the continued mining activities in the cemetery of the Azacualpa community in Copán, in contempt of court sentences that had ordered to stop the associated exhumation in the cemetery. There is an ongoing habeas corpus process against the mining company and the Secretariat of Health to disclose the location of the exhumed bodies. Since January, mining activities have expanded to new areas outside the cemetery. These activities are implemented under a license issued through an expedited process, without the required inspections or assessments by INHGEOMIN. The process under which the licence was issued is currently under review by the new authorities.

29. The Office documented the absence of mining licenses for operations in the Locomapa community, resulting in ongoing operations without State authorization and supervision[[11]](#footnote-12). This situation has been aggravated by the lack of investigation of complaints of threats and intimidation against community members, as well as by the illegal exploitation of forest and mining resources enabled by acts that may constitute criminal association, money laundering and illegal possession of weapons.

30. OHCHR documented the dire consequences of the contamination of the Motagua River on the ecosystem and its negative impact on food security and water availability for the Barra del Río Motagua communities and the Masca Garífuna community. Resolving this contamination requires cooperation between Guatemala and Honduras, considering that a large part of the waste originates from at least 55 populated areas in Guatemala, flowing onwards into the Omoa Bay in Honduras.

31. The Office recognizes the efforts of the State of Honduras during the 27th United Nations Climate Change Conference towards the establishment of a global Loss and Damage Fund.

IV. Rule of Law and Accountability

1. Judicial Independence

32. In 2022, progress was made towards strengthening the rule of law and judicial independence through the implementation of the new legal framework for the election of Supreme Court justices. This framework was adopted by the National Congress in July, concluding a process driven by the Secretariat for Transparency and the Fight against Corruption. OHCHR provided technical support for the development and adoption of the law which introduces guarantees of transparency, publicity, gender parity, public oversight, and election based on objective criteria.

33. The Nominating Board, in charge of the process, was established in September, in a context of strong pressures and interests from various sectors. OHCHR provided technical assistance for the adoption of the operating procedures of the Board based on the principles of objectivity and transparency. The Board received 185 self-nominations (132 men, 53 women) and will present a list of at least 45 candidates to the National Congress in January 2023 for the election of 15 new justices.

34. The information received regarding attacks and retaliation against justice officials in relation to their work, particularly those linked to the anti-corruption circuit, is of concern. The lack of an effective institutional response to protect the personal integrity, judicial independence and autonomy of justice officials represents an obstacle to their work, exacerbates their vulnerability, and negatively impacts access to justice.

35. OHCHR received information regarding possible undue interference affecting the independence of justice officials at the departmental level in judicial proceedings against human rights defenders. On 9 February, the Trujillo Sentencing Court convicted[[12]](#footnote-13) 6 of the 8 defenders of the Guapinol River[[13]](#footnote-14), in a judicial process that did not comply with international fair trial standards[[14]](#footnote-15). On 10 February, the Constitutional Chamber granted an amparo[[15]](#footnote-16), filed a year earlier, ordering the immediate release of the defenders as result of due process irregularities.

 B. Access to Justice and Effective Judicial Protection

36. The justice administration system remains characterized by high rates of impunity, structural barriers and systemic issues for accessing justice, mainly due to weak judicial independence, procedural delays and limited participation of victims of human rights violations in the criminal process.

37. The Office reiterates its concerns about the impunity for cases of serious human rights violations that occurred during the 1980s, the 2009 coup d'état, and the 2017 post-election crisis[[16]](#footnote-17). Most of these cases remain under investigation without any concrete progress, and the victims continue without access to truth, justice, and integral reparation.

38. Several specialized prosecutors' offices of the State Attorney’s Office lack sufficient resources or permanently assigned investigators, which negatively impacts their effective investigation capacity and limits the implementation of an effective criminal prosecution strategy. Consequently, most investigations are carried out without an analysis of the context, without establishing the criminal offenses that correspond to the gravity of the violations, without characterization of the victims, or analysis of intellectual authorship and chain of command for cases involving the security forces and non-state actors.

39. The publicity of hearings and the participation of victims in judicial proceedings remains limited due to restrictions imposed in the context of the COVID-19 pandemic, limiting physical access to hearings. Courts, particularly those at the local level, did not adopt measures to mitigate the negative impact of such restrictions on the access to hearings and publicity of proceedings.

40. OHCHR documented harassment and reprisals against victims and witnesses who cooperate with investigations, as well as challenges for their effective protection, including lack of resources and risks due to the manner in which confidential information is handled.

41. OHCHR considers that the investigation in the case of the unnecessary and excessive use of force by the Joint Task Force of the Armed Forces in 2021 in the community of Ibans, Gracias a Dios, against the Miskito indigenous people, was carried out without due diligence. OHCHR also received allegations of lack of access to information and victim participation[[17]](#footnote-18).

42. Effective access to justice with a gender perspective remains a challenge. Several key amparo requests and unconstitutionality appeals regarding sexual and reproductive rights and equal marriage remain pending before the Constitutional Chamber. The judicial process in the case of Keyla Martínez[[18]](#footnote-19) did not have a gender perspective, including due to the dismissal by the Constitutional Chamber of the amparo request filed by the State Attorney’s Office against the change of classification of the crime from femicide to homicide.

43. In August, the Inter-American Court of Human Rights declared the international responsibility of Honduras for the extrajudicial execution of Herminio Deras in 1983[[19]](#footnote-20) and ordered the adoption of a national policy of historical memory. The Government took steps towards the promotion of memory and recognition of the victims of the 1980s and the 2009 coup d'état.

 C. Security and Human Rights

44. In 2022, the rate of violent deaths between January and September decreased by 13.2% for men and 14.7% for women compared to the same period in 2021[[20]](#footnote-21). It is concerning that the use of firearms remains the main cause of violent deaths (77.8% for men, 69.3% for women), mainly due to the lack of effective gun control, and that young people are the most affected (40%).

45. The declared commitment of the Government to demilitarize citizen security is an important step forward; however, progress has been hindered by the continued presence of the Public Order Military Police in undertaking citizen security tasks.

46. In March, the National Congress repealed the "Secrecy Law", contributing to accountability and transparency in the public administration of security and defence.

47. The Office welcomes the closure of the National Inter-Institutional Security Force and the transfer of the National Anti-Mara and Gangs Force to the Secretariat of Security through the establishment of the Police Directorate against Maras, Gangs and Organized Crime. However, this transfer did not result in a decrease in the number of cases of unnecessary or disproportionate use of force.

48. Abuses by the National Anti-Mara and Gangs Force continued to be reported. On 25 February, the Office documented an irregular raid in Marcovia, Choluteca, when officers from this Force made unnecessary use of lethal weapons, firing against the population, killing one and wounding four other men. While the investigation continues, no charges have been made against the alleged perpetrators, thereby compromising the right to prompt and effective justice for the victims.

49. On 31 May, members of said Force fired shots during a foot chase of a 21‑year‑old man who was under investigation for allegedly assaulting a Police officer during a football match. The Office documented the excessive use of force during illegal and arbitrary searches of homes without warrants in the context of search operations for the man. After the State Attorney’s Office filed an appeal based on the Minnesota protocol, on 23 October the Criminal Court of San Pedro Sula indicted four members of the Force for murder, torture, concealment and falsification of public documents[[21]](#footnote-22).

50. The Office registered the deaths of three men in connection with an incident that took place on 11 September during a training course for professionals aspiring to become Auxiliary Police Officers at the National Police Academy in La Paz. The deaths occurred after some 500 registered trainees were subjected to excessive and disproportionate training exercises. The health of at least 35 other people was seriously affected as well. It is concerning that the ongoing investigation remains under the auspices of the Police Investigations Directorate, which may lack independence as it is an integral part of the police service.

 D. Prison system and persons deprived of liberty

51. The Government initiated the demilitarization of the prison system in March with the initial transfer of the administration of prisons from the Armed Forces to the National Police, making an important step towards strengthening the National Penitentiary Institute. In August, the Government declared a year-long state of emergency[[22]](#footnote-23) in the national penitentiary to facilitate its demilitarization and the progressive reform of the system. As part of this process, the Police is expected to gradually transfer the administration of prisons to the National Penitentiary Institute.

52. As of December, the National Penitentiary System housed an average of 19,842 adult inmates in the country's 25 penitentiary centres, despite only having the capacity to house 14,780 persons, resulting in an overcrowding rate of 34.2%. At least 51.6% of the prison population does not have a final sentence. The absence of guidelines for the classification of persons deprived of liberty that would allow for adequate prison management in accordance with international human rights standards and reduce prison violence is concerning.

53. Although OHCHR documented only one prison riot compared to the six documented in 2021, the number of violent deaths in prisons remained high, with 17 deaths registered in 2022. According to monitoring by the Office, such deaths were the result of the existence of a system of self‑governance by persons deprived of liberty, with the acquiescence of the authorities, resulting in the lack of effective control of prison centres, violation of the personal integrity and discrimination of detainees, including due to extortion within the centres.

54. The Office welcomes the appointment of the three national commissioners to the National Committee for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment. The Office remains concerned about the independence, administrative autonomy, and budgetary resources of the Committee.

 E. Corruption and Human Rights

55. On 14 February, the President requested the Secretary-General of the United Nations to establish an International Commission against Impunity and Corruption in Honduras. On 15 December, the United Nations Secretariat and the Government signed a preliminary memorandum of understanding towards the possible establishment of an international anti-corruption mechanism.

56. Honduras is among the 25 most corrupt countries in the world[[23]](#footnote-24). The anti-corruption circuit of the Judiciary registered 306 cases and appeals at its different levels between 2017 and 2022[[24]](#footnote-25), a sharp contrast to the 889 complaints for corruption offenses according to civil society sources[[25]](#footnote-26).

57. The criminal prosecution of corruption and the recognition of its victims depends to a large extent on the preservation of the structures established with the support of the Mission to Support the Fight against Corruption and Impunity in Honduras, particularly the State Attorney’s Specialized Prosecutorial Unit against Corruption Networks (UFERCO) and the special criminal jurisdiction with national territorial competence in corruption matters. The National Congress approved Decree 67-2022 which, among granting other powers, temporarily authorized UFERCO to undertake criminal prosecution without prior approval by the Attorney General, ordered a budget increase, and strengthened the stability of its personnel - a reform questioned by the State Attorney’s Office. In November, the discussion of the draft Law on Effective Collaboration started in the National Congress, the adoption of which would provide an important instrument for the prosecution of corruption.

58. The State Attorney's Office obtained convictions in high impact cases before the anti‑corruption judicial circuit, including the "2020 Mobile Hospital Fraud", "Caja Chica de la Dama" and in one of the investigation lines of corruption against the Honduran Social Security Institute.

59. The Government established the Secretariat of State in the Offices of Transparency and Fight against Corruption to prevent and combat corruption in the exercise of public and private functions. One important advance was the repeal of decrees authorizing the creation of trusts.

60. It remains necessary to repeal the decrees known as the "Pact of Impunity" including Decree 116-2019 and Decrees 57-2020 and 93-2021 that interpret and reform articles of the Criminal Procedure Code and the Money Laundering Law[[26]](#footnote-27).

 V. Civic Space and Public Participation

61. The Office recognizes efforts made by the executive and legislative powers to advance towards the effective exercise of rights related to public participation. However, structural challenges and institutional practices persist, affecting the exercise of the defence of human rights and the rights to participate in the management of public affairs, peaceful assembly, freedom of expression, access to information and freedom of association, thus weakening the civic space.

62. In September, the General Directorate of Information and Press of the Government of the Republic was established by way of Decree PCM-023-2022. The wording of the Decree is concerning as it does not provide clarity on the objective and functions of the Directorate. The Decree requires clarification to avoid generating an obstacle to the plurality and diversity of media, excessive State control, and in order not to hinder the full and safe exercise of freedom of expression.

63. The Office recorded at least 173 attacks against human rights defenders and journalists in 2022, resulting in a total of 242 victims, of which 191 were human rights defenders and 51 journalists. Of these victims, 147 (60.7%) were dedicated to defending land, territory, and the environment, 36 (14.9%) to journalism, and 19 (7.9%) to defending and promoting the rights of LGBTI persons. Of the total, 117 victims (48.3%) were cisgender men, 66 (27.3%) were cisgender women, 5 (2.1%) were transgender women, and 1 (0.4%) was a transgender man. In 53 cases (21.9%), the attacks were against organizations, media outlets, or other groups. Additionally, 68 (28.1%) were indigenous and 26 (10.7%) were Afro-Honduran.

64. It is noteworthy that 3 out of 4 attacks are against those who defend land, territory, and the environment, a number that showcases their extreme situation of risk. Of the defenders who were victims of attacks between 2021 and 2022, 24.8% were Afro-Honduran, which demonstrates the disproportionate impact on this community that represents 0.7% of the population[[27]](#footnote-28).

65. OHCHR documented 11 murders of human rights defenders and 3 journalists (12 cisgender men and 2 transgender women). Of these victims, 6 (42.9%) were dedicated to defending land, territory, and the environment, and 3 (21.4%) were defending the rights of the LGBTI community, including 2 transgender women. Although attacks against these groups have decreased compared to the previous year, it is concerning that murders have increased.

66. Other frequently recorded incidents against defenders and journalists, in addition to murders, were 41 acts of intimidation or harassment, 39 cases of threats, 11 acts of smear campaigns, 10 physical attacks and 10 attempted homicides. The departments with highest prevalence of incidents were Francisco Morazán (57 cases-32.94%), Colón (21 cases-12.13%), Atlántida (20 cases-11.56%), and La Paz (18 cases-10.40%). In addition to the Central District, the departments with the highest number of attacks were those with a high presence of indigenous, Afro-Honduran and peasant communities.

67. The effective investigation of crimes against human rights defenders remains a challenge. Of the 14 cases of killings documented by the Office in 2022, only two resulted in convictions. One of them is for the murder of Thalía Rodríguez, a trans woman defender of the rights of the LGBTI population, population with HIV‑AIDS and trans women sex workers, murdered in January allegedly by three armed individuals. The oral and public trial ended with the conviction of one person for murder, while the other two are yet to be captured.

68. Of concern is the recurring practice of misuse of criminal law against defenders, particularly those dedicated to defending land, territory, and the environment, as well as those who publicly oppose large-scale business activities and/or development projects. The analysis of emblematic cases of the misuse of the criminal justice system by OHCHR indicates that: (a) the most frequently used criminal charges are those of "usurpation", "alteration of terms and boundaries" and "damage to private property"; (b) the accusations are mainly promoted by corporate and private actors; and (c) the accusations tend to be collective, based on a general accusation against a group of people without distinguishing or individualizing the conducts or their degree of participation. The misuse of criminal law not only hinders the work of defenders and the exercise of their freedom of expression, but also weakens the social fabric of affected communities.

69. One such example is the case of the 29 members of the Lenca Indigenous Council of Nueva Palestina who, in the context of their defence of their territory, were accused in May 2022 for the alleged crime of aggravated usurpation and alteration of terms or boundaries by a private individual. In the same case, journalist Sonia Pérez, correspondent of Radio Progreso, who was covering the case at the time of the events, was charged with the same crimes. The case was permanently dismissed in July 2022.

70. Of concern are the severe delays in judicial proceedings against defenders, such as the case initiated in 2020 against the Lenca defenders Víctor Vásquez and José Santos Vigil Girón, from La Paz, for alleged forced displacement, and the proceedings against the Garífuna community of Cristales and Río Negro, Colón, in which 32 human rights defenders were charged usurpation.

71. The Office finalized its analysis of status of the National Protection System for Human Rights Defenders, Journalists, Social Communicators and Justice operators (the System), through a participatory consultation process. The analysis identifies opportunities and challenges for the System as of 31 December 2021 and concludes with findings that informed the development of the Institutional Strengthening Plan for the System, which was provided to authorities as part of OHCHR technical assistance.

72. The analysis highlights: (a) the lack of sufficient financial, human, and technical resources for the System to fulfil its functions and obligations; (b) the absence of shared responsibility among institutions in addressing cases and advancing towards a conducive environment for the target population; and (c) the lack of clarity, both among civil society actors and the State, regarding the purpose, scope, functions, and target population of the System.

73. Despite the increase of its budget in 2022, the System faced challenges in providing an effective and timely response to applicants, beneficiaries and their representatives. The National Protection Council did not meet regularly with the once‑per‑month frequency or with the configuration required by Law. As this body is responsible for the supervision, governance and decision making of the System, its inactivity translates in absence of strategic actions and timely measures to advance in providing a safer environment for the defence of human rights and freedom of expression.

74. The total number of cases under protection by the National Protection Mechanism at the end of the year stood at 181, of which 33 were referred by the Inter-American System for the Protection of Human Rights. The Office notes that, despite the fact that the number of cases increased by 41% compared to the previous year, the number of technical staff of the System remains the same.

75. The National Protection System faces technical, administrative and financial obstacles that prevent it from taking timely and appropriate measures.

 VI. Equality and non-discrimination

76. The direct and indirect discrimination in the public and private spheres, as well as intersectoral forms of discrimination against groups in situation of vulnerability, reman a challenge.

 A. Women's rights

77. Women continue to face barriers in the exercise of their rights in both the public and private domain. Violence against women, limited recognition of their human rights, including sexual and reproductive rights, and other factors of inequality evidence a pattern of discrimination that has been repeatedly highlighted by international human rights mechanisms.

78. The Office recognizes the efforts of the Executive Branch to move towards the accession to the Optional Protocol to the Convention on the Elimination of Discrimination against Women (CEDAW) and calls for its adoption by the National Congress. The adoption of the Comprehensive Law on Violence against Women, the Law on Shelters for Victims of Gender-Based Violence, and the Law on Domestic Work remain pending.

79. Violence against women remains extremely serious. The National Violence Observatory at the National Autonomous University of Honduras reported 252[[28]](#footnote-29) violent deaths of women and femicides between January and October 2022, compared to 330 cases registered in all of 2021.

80. The State Attorney’s Office, the Technical Agency for Criminal Investigation and the Police Investigative Directorate lack specialized protocols for the investigation of violence against women, including femicide and violent deaths, with a differentiated approach. This is compounded by the limited availability of trained personnel and required facilities, such as morgues, to allow for effective investigation of such cases.

81. As of 31 October, the State Attorney’s Office registered 292 reports of domestic abuse, while the 911-System registered 50,351 reports of domestic abuse. It is concerning that the majority of registered cases do not reach the justice system, which demonstrates the high level of impunity and the need for greater inter-institutional coordination to provide timely response to victims.

82. The partial authorization for the exceptional use of emergency contraceptive pills in the Comprehensive Care Protocol for Victims and Survivors of Sexual Violence approved in December is a positive step. However, women's sexual and reproductive rights remain severely restricted, including by the criminalization of abortion. OHCHR echoes the recommendations of the CEDAW Committee[[29]](#footnote-30) for the legalization of abortion in the three identified circumstances and the distribution and commercialization of emergency contraceptives.

 B. Rights of Lesbian, Gay, Bisexual, Transgender, Transsexual and Intersex Persons

83. Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons remain victims of widespread stigmatization and discrimination that perpetuate violence against them due to their sexual orientation, gender identity or expression. The Observatory of the Catracchas Lesbian Network reported an increase in violence in 2022 against LGBTI persons resulting in 43 murders (26 gay, 11 lesbian and six trans persons) and two disappearances. Only eight of these cases are under criminal investigation.

84. Despite efforts by the State to implement the sentence of the Inter-American Court of Human Rights in the case of Vicky Hernandez v. Honduras, such as progress in the development of a protocol for the investigation and administration of justice in cases of violence against LGBTI persons, several other actions remain pending, including the development of a procedure for the recognition of gender identity.

85. The Organic Law on the National Registry of Persons[[30]](#footnote-31) and its supplementary regulations do not allow for the legal recognition of gender identity of trans persons, including in the National Registry of Persons.

 C. Rights of Persons with Disabilities

86. The Secretariat for Social Development together with civil society developed a proposal for the comprehensive reform of the Law on Equity and Integral Development of Persons with Disabilities (Decree 160-2005), with technical support by OHCHR. The proposal, which aims to recognize and protect the rights of persons with disabilities in accordance with the International Convention on the Rights of Persons with Disabilities, is undergoing consultations before being submitted to the National Congress.

 D. Rights of indigenous and Afro-Honduran peoples

87. The historical structural barriers faced by indigenous and Afro-Honduran peoples persist, resulting in discrimination and serious violations of their rights and contributing to their exclusion, including in decisions with direct impact on them. There is no adequate legal framework that effectively recognizes and guarantees their right to consultation and free, prior and informed consent.

88. Indigenous and Afro-Honduran peoples face challenges to access justice and impunity for human rights violations committed against them. The majority of the complaints received by the Office of the Prosecutor for Ethnic Groups and Cultural Heritage were related to violations of the land and territories of indigenous and Garifuna peoples (35%), followed by violations of their life and physical integrity (25%)[[31]](#footnote-32). Adequate measures are also required for the protection of their rights in the administrative sphere.

89. Regarding the Miskito divers who engage in dive fishing in a context of labour exploitation by fishing companies, the State initiated the implementation of the sentence of the Inter-American Court of Human Rights in the case of Lemoth Morris v. Honduras (2021). It is necessary to advance with the implementation of other related structural measures, such as strengthening the health system in the Mosquitia.

 E. People on the move

90. Compared to previous years, OHCHR registered an increase in mixed migratory movements and an increased presence of families and women with children in migratory routes, taking alternate routes and moving in smaller groups.

91. According to the National Migration Institute, in 2022, 188,858 migrants entered the country irregularly[[32]](#footnote-33), mostly from Cuba, Venezuela, Ecuador and Haiti. According to the Honduran Consular and Migration Observatory, 88,855 Honduran migrants were returned to the country, the vast majority from Mexico (45,961) and the United States (42,090).

92. Of concern is the overcrowding of shelters due to the significant increase in transit migratory flows, which on occasion makes it impossible for migrants to find refuge. OHCHR recorded that unaccompanied minors, pregnant women and mothers with children, indigenous people and migrants from the LGBTI community are most often exposed to discrimination and violence.

93. The National Congress approved a 90-day amnesty in May for migrants who entered the country irregularly, exempting them from the payment of the administrative penalty foreseen in the Migration and Foreigners Law. The measure came into effect in August and has since been extended until June 2023, granting these persons the possibility of regularizing their temporary stay.

94. OHCHR welcomes the adoption in December of the Law for the Prevention, Attention and Protection of Internally Displaced Persons as a fundamental step towards their comprehensive protection, as well as calls on the Government to move forward with its regulation and implementation.

 VII. Recommendations

**95. OHCHR reiterates its commitment to continue supporting the efforts of Honduras to respect and guarantee human rights for all persons. The Office reiterates the recommendations contained in its previous reports and urges the authorities to implement them[[33]](#footnote-34). OHCHR further urges the authorities to:**

**a) Adopt a comprehensive national human rights action plan that also includes the guarantee of economic, social, cultural and environmental rights, with a differentiated focus on populations in situations of vulnerability.**

**b) Approve and implement a citizen security policy with a human rights approach that ensures gradual demilitarization, both at the operational level as well as at the institutional culture level, promoting civilian vision and leadership in the sector.**

**c) Comprehensively address the challenge of insecurity and violence through a human rights approach, prioritizing the prevention, investigation and sanction. Declarations of State of Emergency and suspension of fundamental rights must only be adopted in strict compliance with international human rights law. All actions taken in the context of such measures must be proportional, temporary in nature and limited to those strictly required by the exigencies of the situation.**

**d) Strengthen the independence of the justice sector by revising the constitutional and legal framework of the Judicial Branch through the adoption of its organic law and that of the Council of the Judiciary, as well as the framework for the State Attorney’s Office, with particular attention to the election of the Attorney General.**

**e) Adopt the necessary measures, including legislative measures, to guarantee truth, justice, memory and reparation for the victims of human rights violations, including those from the 1980s, the 2009 coup d'état, and the 2017 post‑electoral crisis.**

**f) Strengthen the National Protection System for Human Rights Defenders, Journalists, Social Communicators and Justice Operators, in line with the Institutional Strengthening Plan presented by OHCHR.**

**g) Strengthen the human, financial and technical investigation capacities of the police and the State Attorney’s Office, including the adoption of differentiated protocols for crimes against human rights defenders, women, LGBTI persons, among others, that guarantee due diligence and reduce impunity.**

**h) Strengthen the Witness and Victim Protection Program run by the State Attorney’s Office, as well as implement protection mechanisms for judicial operators and whistleblowers, guaranteeing their effectiveness.**

**i) Establish a sustainable economic development model that guarantees equitable access to land, territory and natural resources based on policies that make effective the rights of indigenous and Afro-Honduran peoples, peasants and other historically excluded groups.**

**j) Guarantee the right to a healthy environment, through a reform of the institutional and legal frameworks that regulate the granting of concessions for extractive projects, including the revision of environmental licensing processes.**

**k) Sign and implement the Escazú Agreement.**

**l) Adopt an adequate legal framework to guarantee the right to consultation and free, prior and informed consent of indigenous and Afro-Honduran peoples, in accordance with international standards.**

**m) Implement mechanisms to address the structural causes of the conflict in Bajo Aguán that guarantee reparation and non-repetition, including the Tripartite Commission foreseen in the February 2022 Agreements.**

**n) Revise the internal regulations of the National Defence and Security Council to clarify its mandate and adjust it to international human rights obligations, respecting the independence of the Judiciary and the State Attorney’s Office.**

**o) Advance in the establishment and implementation of the plan for the gradual transfer of the penitentiary administration from the National Police to the National Penitentiary Institute.**

**p) Advance in the prevention and prosecution of corruption through the approval of the National Transparency and Anti-Corruption Strategy and the installation of an international mechanism against corruption and impunity.**

**q) Adapt the regulatory framework and adopt institutional practices to strengthen, promote and protect civic space in accordance with the international obligations of the State.**

**r) Prevent and avoid the misuse of criminal law against human rights defenders, journalists, justice operators and anyone exercising freedom of expression.**

**s) Strengthen the capacity of relevant institutions and authorities to adequately assist migrants and forcibly displaced persons and guarantee the protection and exercise of their human rights.**

**t) Adopt the policies and legal reforms necessary to guarantee the human rights of women, in particular to a life free of violence and to sexual and reproductive health.**

**u) Adopt comprehensive anti-discrimination legislation against LGBTI people that covers all prohibited grounds of discrimination. Concurrently, review current regulations and repeal discriminatory provisions, including the Law of the National Registry of Persons and its bylaws.**

**v) Adopt a Law on Domestic Worker and ratify ILO Convention 189, as well as establish a comprehensive care system as a pillar of welfare and social protection policy.**

**w) Adopt the integral reform of Decree No. 160-2005 - Law on Equity and Integral Development for Persons with Disabilities and harmonize it with the Convention on the Rights of Persons with Disabilities.**

1. \* The summary of the report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and in English only. [↑](#footnote-ref-2)
2. \*\* The present report was submitted after the deadline in order to reflect latest developments. [↑](#footnote-ref-3)
3. [www.sepol.hn/artisistem/images/sepol-images/files/PDF/INFOGRAFICO%20ANUAL(2022).pdf](http://www.sepol.hn/artisistem/images/sepol-images/files/PDF/INFOGRAFICO%20ANUAL%282022%29.pdf) [↑](#footnote-ref-4)
4. https://oacnudh.hn/oacnudh-llama-a-adoptar-respuestas-integrales-de-combate-a-la-violencia-y-criminalidad-organizada-a-partir-de-un-enfoque-de-derechos-humanos/ [↑](#footnote-ref-5)
5. Legislative Decrees 32-2022, 33-2022. [↑](#footnote-ref-6)
6. https://www.ine.gob.hn/V3/imag-doc/2022/07/Boletin-Dia-de-la-poblacion-11-de-julio-1.pdf [↑](#footnote-ref-7)
7. Legislative Decree no. 8-2022 [↑](#footnote-ref-8)
8. https://reliefweb.int/report/honduras/honduras-tormenta-tropical-julia-informe-de-situacion-no-01-12-de-octubre-de-2022 [↑](#footnote-ref-9)
9. A/HRC/49/21, par. 8, 35, 40. [↑](#footnote-ref-10)
10. Cases *Comunidad Garífuna Triunfo de la Cruz* and *Comunidad Garífuna de Punta Piedra,* Sentences ofOctober 2015 [↑](#footnote-ref-11)
11. Information provided by INHGEOMIN, Letter dated 30 November 2022*.* [↑](#footnote-ref-12)
12. Case file number TSTC-20-2021 [↑](#footnote-ref-13)
13. A/HRC/49/21, par. 19. [↑](#footnote-ref-14)
14. A/HRC/WGAD/2020/85 [↑](#footnote-ref-15)
15. Amparo SCO-0919-2020 [↑](#footnote-ref-16)
16. A/HRC/46/75, par. 10.; A/HRC/49/21, par. 20 [↑](#footnote-ref-17)
17. A/HRC/49/21, par. 27 [↑](#footnote-ref-18)
18. *Ibid*., par. 26 [↑](#footnote-ref-19)
19. Case *Deras García*, Sentence of 25 August 2022, par. 142 [↑](#footnote-ref-20)
20. InfoSegura [↑](#footnote-ref-21)
21. https://www.mp.hn/publicaciones/auto-de-formal-procesamiento-para-cuatro-policias-vinculados-a-muerte-de-aficionado-del-real-espana/ [↑](#footnote-ref-22)
22. https://www.tsc.gob.hn/web/leyes/PCM-03-2022.pdf [↑](#footnote-ref-23)
23. https://www.transparency.org/en/cpi/2021 [↑](#footnote-ref-24)
24. Judicial Branch Statistics Unit [↑](#footnote-ref-25)
25. https://estadodepais.asjhonduras.com/corrupcion\_transparencia [↑](#footnote-ref-26)
26. A/HRC/49/21, par. 36. [↑](#footnote-ref-27)
27. Population and Housing Census 2013. [↑](#footnote-ref-28)
28. https://iudpas.unah.edu.hn/dmsdocument/14049-boletin-infografico-muerte-violenta-mujeres-enero-octubre-2022-preliminares-ed-12 [↑](#footnote-ref-29)
29. CEDAW/C/HND/CO/9, par. 39n [↑](#footnote-ref-30)
30. Decree 152-87, Art. 84 [↑](#footnote-ref-31)
31. State Attorney’s Office, Letter DGF-2170-2022, 30 November 2022 [↑](#footnote-ref-32)
32. http://inm.gob.hn/estadisticas.html [↑](#footnote-ref-33)
33. A/HRC/49/21, A/HRC/46/75, A/HRC/43/3/Add.2, A /HRC/40/3/Add.2, A/HRC/34/3/Add.2 [↑](#footnote-ref-34)